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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,797	08/28/2003	Jung Ah Lee	29250-000937 / US	5609

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 8910
Reston, VA 20195

EXAMINER

CHU, WUTCHUNG

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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02/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/649,797

Applicant(s)

LEE ET AL.

Examiner

Wutchung Chu

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/28/2003; 23 December 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/23/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the recitation of "without substantial link-level processing:" is vague and indefinite because it is not known the metes and bounds of the claimed invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by lochi (US2003/0058972).

Regarding claim 1, lochi discloses apparatus and method for preamble reception (see paragraphs 11-13) comprising:

- determining a detection metric (see paragraph 11 probability of preamble detection) for one or more given wireless channel coefficients

representing a plurality of wireless channel realizations (see paragraph 11);

- selecting a conditional detection probability (see paragraph 13 correlation value) based on the determined detection metric (see paragraph 27 and figure 204 threshold determination section); and
- calculating a link level performance result (see paragraph 11 and 29 preamble detection) based on the selected conditional detection probability (see paragraph 13 correlation value).

Regarding claim 2, lochi teaches the

- wireless channel is an access channel (see paragraph 57 mobile station and channel and paragraph 39 random access), and
- calculating a link level performance result (see paragraph 11 and 29 preamble detection) includes calculating a detection indicator value (see paragraph 57 threshold) that represents a detection success or a detection failure of the access channel (see paragraph 11).

Regarding claim 3, lochi teaches the conditional detection probability (see paragraph 11 and 29 preamble detection) is selected without substantial link-

level processing during a system simulation of the communication system (see paragraph 61 and 62).

Regarding claim 4, lochi teaches selecting includes accessing a look-up table (see paragraph 54 among correlation values) to select a conditional detection probability corresponding to the determined detection metric and a given threshold value (see paragraph 54).

Regarding claim 5, lochi teaches the given threshold value is calculated in advance as a function of a probability of an erroneous detection (see paragraph 11) when a signal to be received over a given wireless channel realization is not present (see paragraph 78).

Regarding claim 8, lochi teaches

- the wireless channel is an access channel (see paragraph 39 random access and paragraph 57 mobile station and channel) , and
- the detection metric is an instantaneous detection metric (see paragraph 11 and 29 preamble detection) of the access channel that is a function of one or more of transmit power (see paragraph 144), a wireless channel coefficient of the access channel (see paragraph 39), a spatial processing result from subjecting the

access channel to spatial processing (see paragraph 129), and a temporal processing result from subjecting the access channel to temporal processing.

Claim Rejections - 35 USC § 103

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herrrmann (US7161952).

Regarding claim 6, lochi teaches calculating the detection indicator value (see lochi paragraph 57) and disclose all the subject matter of the claimed invention with the exception of:

- comparing the selected conditional detection probability to a randomly-generated number, and
- outputting the detection indicator value if the selected conditional detection probability equals or exceeds the randomly-generated number.

Herrmann from the same or similar fields of endeavor teaches the use of if the random number exceeds the persistency probability the terminal cannot send the preamble (**see Herrmann col. 5 lines 5-40**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the comparing and resulting with a random number as taught by Herrmann in the apparatus for preamble reception of lochi in order to enhance system efficiency.

8. Claims 7, 9-10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over lochi in view of Hamada et al., hereinafter Hamada, (US6873607).

Regarding claim 7, lochi teaches the determining, accessing and calculating are repeated for a plurality of wireless access channel realizations (**see paragraphs 11-13**), the method further comprising:

- wherein calculating a link level performance result (**see paragraph 11 and 29 preamble detection**) includes determining an unconditional detection probability for all wireless access (**see paragraph 27 non-coherent detection correlation value calculation section**)

and disclose all the subject matter of the claimed invention with the exception of:

- averaging the detection indicator value over the plurality of wireless access channel realizations;
- channel realizations based on the average detection indicator value.

Hamada from the same or similar fields of endeavor teaches the use of calculate an average value of the interference detection rates of the time slots assigned to all R channels every frame (**see Hamada col. 7 lines 22-39**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the average value of the interference detection rate as taught by Hamada in the apparatus for preamble reception of lochi in order to enhance system efficiency.

Regarding claim 9, lochi teaches apparatus for preamble reception (**see paragraph 11**) comprising:

- determining, for each given RACH preamble (**see paragraph 39 random access**) of a plurality of wireless channel realizations (**see paragraph 11 probability of preamble detection**), a conditional detection probability (**see paragraph 13 correlation value**), the conditional detection probability determined without substantial link-level processing during a system simulation of the communication system (**see paragraph 61 and 62**); and

- calculating an unconditional detection probability (see paragraph 42 non-coherent detection correlation value calculation section and figure 2 box 202) for determining RACH (see paragraph 39 random access) preamble detection performance (see paragraph 65)

and disclose all the subject matter of the claimed invention with the exception of:

- as an average detection probability over the plurality of wireless channel realizations.

Hamada from the same or similar fields of endeavor teaches the use of calculate an average value of the interference detection rates of the time slots assigned to all R channels every frame (see Hamada col. 7 lines 22-39). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the average value of the interference detection rate as taught by Hamada in the apparatus for preamble reception of lochi in order to enhance system efficiency.

Regarding claim 10, lochi teaches calculating an unconditional detection (see paragraph 42 non-coherent detection correlation value calculation value) probability includes calculating a detection indicator value that represents a detection success or a detection failure (see paragraphs 57 which a signal indicating tha the preamble corresponding to the signature number from

threshold determining section has been received, and also see paragraphs 11 and 78) of a RACH preamble (see paragraph 39 random access).

Regarding claim 13, lochi teaches determining a conditional detection probability includes:

- **determining a detection metric (see paragraph 11 probability of preamble detection) for a given wireless channel realization (see paragraph 11); and**
- **accessing a look-up table (see paragraph 54 among the correlation values) to select a conditional detection probability (see figure 2 box 201 coherent detection correlation value calculation section and paragraph 42) corresponding to the determined detection metric (see paragraph 11 probability of preamble detection).**

Regarding claim 14, lochi teaches the detection metric is an instantaneous detection metric (see paragraph 11 and 29 preamble detection) of a given wireless channel (see paragraph 39 random access and paragraph 57 mobile station and channel) that is a function of one or more of transmit power (see paragraph 144), a wireless channel coefficient (see paragraph 39) of the given RACH preamble (see paragraph 39), a spatial processing result from subjecting

the RACH preamble to spatial processing(see paragraph 129), and a temporal processing result from subjecting the RACH preamble to temporal processing.

Regarding claim 15, lochi teaches the given threshold (see paragraph 27 threshold) is calculated in advance as a function of a probability of an erroneous detection (see paragraphs 11 and 63) of the given RACH preamble (see paragraph 39 random access).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over lochi and Hamada as applied to claims 9 and 10 above, and further in view of Herrmann.

Regarding claim 11, lochi teaches calculating the detection indicator value (see lochi paragraph 57) and disclose all the subject matter of the claimed invention with the exception of:

- comparing the selected conditional detection probability to a randomly-generated number, and
- outputting the detection indicator value if the selected conditional detection probability equals or exceeds the randomly-generated number.

Herrmann from the same or similar fields of endeavor teaches the use of if the random number exceeds the persistency probability the terminal cannot send the preamble (see Herrmann col. 5 lines 5-40). Thus, it would have been obvious to one of ordinary skill

in the art at the time of the invention to use the comparing and resulting with a random number as taught by Herrmann in the apparatus for preamble reception of lochi in order to enhance system efficiency.

Allowable Subject Matter

10. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Garner et al. (US6112085); Baldwin et al. (US5204976); Jonsson (US6487420); Kitade et al. (US2005/0174968)

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wutchung Chu whose telephone number is 571 270 1411. The examiner can normally be reached on Monday - Friday 1000 - 1500EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan D. Orgad can be reached on 571 272 7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

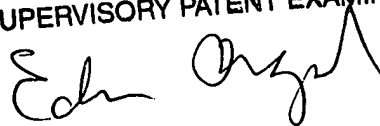
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/WC/
Wutchung Chu

EDAN . ORGAD
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Edan . Orgad', is written over the printed name and title.